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FRIDAY : : : NOVEMBER 20

SANFORD B. DOLE.

The retirement from executive office of Governor Dole after a term of nearly eleven years is an event which serves to especially recall the exigent duties which he has rendered at the head of the government of Hawaii. When, in 1893, the native monarchy was thrust out of the way of progress, it was ours to choose a man of conservative temper and staunch character and one who had the confidence of the whole people and could gain that of dom from responsibility, but the de-foreign governments, to take the lead mands of the new Territory were imin the annexation movement which followed the overthrow. The American party turned unanimously to Sanford B. Dole. He was a Justice of the Supreme Court and had always enlisted kingdom. Whatever the issue he had doubt he led the way to firm ground, been found on the right side. Asked to with reform political movements in the become chief of a Provisional Govern-ment he took the matter into deliberation and then accepted the office of his American policies. For weeks there

From the quiet and peace of judicial chambers he was plunged at once into the strenuous life. Surrounded by in results, asserted themselves, Govarmed men he carried on the functions armed men he carried on the functions of government partly as a civil and tion from President Roosevelt who gave out officially: "The President, after partly as a military chief, and he made no mistakes in working out a middle most careful investigation and hearing policy of sound administration. His as many men as possible and hearing earliest work was to seek annexation from others has come to the conclusion to America but the coming into the that Governor Dole's administration is Presidency of Grover Cleveland not such as to warrant his continuation as only balked his plans but put the government over which he presided into the respect and hearty support of the an attitude of defence against the mis-used powers of the government of the call the inflexible stand of President Dole when a demand for the restoration of the monarchy came from Cleveland's envoy and the keen ability with which he addressed himself to the diplomatic interchange which followed. admiration for him as a statesman mingles with thankfulness that the American party here made so wise a choice of its political leaders

Having won his battle for independence, leaving scars upon the Cleveland administration which were never heal-ed, President Dole addressed himself to questions of administrative reform. For almost the first time since the day of complete missionary ascendency in Hawaii, the land had an honest and capable government. Its credit steadily rose; and despite military expenses,

always a surplus in the treasury.

President Dole drew about him a cabinet of strong men-the ablest and advisers, he managed difficult questions with consummate tact—and few new governments have ever had more nerplexities to meet. There were enemies to him. on every side. The American govern-ment was captious and unfriendly.

an uprising which proved the strength of the Dole government and the military weakness of its adversaries. Though vastly in a minority as to numbers throughout the group, the citizens of the Republic formed about President they repudiate American claims which Dole in solid phalanx and were always the regular government had agreed to masters of the crisis. Never for a mo- pay; second they fire on an American ment did the President lose his poise. He knew what to do and did it in the themselves liable for more indemnity right way; and when the rebels and Under the circumstances the United their accomplices, with the former States would be justified in making as Queen at their head, were imprisoned, offhand treaty with the President of he let no impulse of revenge dusk the San Domingo permitting it to interfere clear mirror of his humanity. Like disperse the rebels, preserve the peace Lincoln he tempered justice with and establish a protectorate. As an mercy; and if he earned no gratitude nexation is written on the wall it for it from those whose forfeited necks might as well be anticipated by some he spared, he strengthened his cause form of lawful occupancy now. at home and abroad, and in the contrast which his leniency afforded to the barbaric violence of the Queen, who her return to power, he marked the ma. If they should be admitted, the vital difference of the old order and the fact would add to the difficulties of the new in these emancipated islands. The Colombian President and to the incenworld did not miss the contrasts nor fail to read the lesson aright.

had passed, there was still the labor issue, the diplomatic pressure of the States might not care to go beyond the Japanese, the flood of "free" Asiatic immigration, the claims of the aliens imprisoned after the Wilcox emeute cholera and a bost of minor ills. Yet the great man at the head of affairs never lost his faith or his temper or his capacity to deal with emer-Opposing him and intriguing against him was the last United States Minister, ambitious himself to take the lead in Hawaii, but never for a moment straight line of duty to fight out a per- on the Circuit Bench?

sonal grievance. Whatever happened, the Hawalian executive, imperturbable and serene, did what was best for the country, never considering himself, looking only to the greatest good for the land in which he was born and where his life-work lay.

War brought the hour of annexation and here again the sound judgment of the President asserted itself. Some of Mr. Dole's best friends and advisers, men devoted to the cause he had at heart, urged him to declare the republic neutral as between the United States and Spain. Such a blunder, as all see it now, would have been worse than a crime, but Sanford B. Dole, with the insight of a statesman, saw its full meaning at a glance and he wrote President McKinley putting Hawaii at the service of the United States. It as not long before the Stars and Stripes rose upon the towers of the For five years the President had held vigil for that day and the end crowned his patriotic work.

Still he could take no rest. Faction raised its voice to prevent his becoming Governor: but Mr. Dole had deserved and won the confidence of those elements in any country which shape its affairs if they wish to do so and they saw that President McKinley was not deceived as to the personality of Dole or the needs and wishes of Ha-waii. The Governorship was offered to the man who had earned it. Mr. Dole was not ambitious for office; his health was broken; he wanted rest and freeentered office with the treasury surplus gone to pay for the battle with the bubonic plague and at a time when demands for public outlay were greatest. Through the labyrinth of debt and was danger of his removal; but when the business interests of Hawaii, al-Governor of Hawaii and entitles him to To those of us who reernor's removal soon had their political power utterly broken by the exposure

of their misconduct in office, Today the long executive career of Sanford B. Dole ends with his exchange of the Governorship for the bench of the Federal Court. Looking backward over more than a decade one can see how surely, when the emergency came the Man was here to meet it. As President Mr. Dole did not suffer in contrast with some executives that have towered in a wider field. He was a cepted by thinking men in the United States-born under an allen flag though he was-as a great American. Let the factional storm rage never so wildly against him, his mere appearance at Washington was enough to win him the respectful fellowship of the maswhich could not be avoided, there was always a surplus in the treasury.

President Dole drew about him a tellectual and moral equal. As Governor he has served in a more restricted unimpeachable cabinet, in its sphere than he did as President, but complete personnel, which the islands with a fidelity to honor, with a standard of public service, with a certainty

Judge Kepcikal does not dignify him Japan began pressing for the suffrage self or his race by refusing Acting so as to gain control of domestic ad- Governor Carter the courtesy of his ministration and make Hawaii a trade resignation. The Treasurer takes the a type of the sincere and self-sacrificdependency; at home the natives and a ground that there is no necessity for ing missionary who brought a knowlstrong group of allens were plotting him to be polite and that, having been edge of the Bible to the natives of the against the State; and over it all was | confirmed by the Hawaiian Sehate and the fear that the reciprocity treaty commissioned for four years, he is not might be attacked and overthrown in called upon to leave before the term ends. Apparently Judge Kepolkai for-Meanwhile the Provisional Govern- gets that a Governor is supposed to apment was changed to a Republic, Pres-ident Dole remaining at the head of it is the commonest civility under the the new State. Prosperity grew apace American system when one Executive but annexation seemed far off. At no retires for his appointees to go with time was the Federal Senate ready to him and to give the new Executive a accept a treaty, though more than one free hand. Every member of former was proffered. Against Hawaii's am- Governor Dole's official family has met bition stood, with sullen obstructive-ness, the Sugar Trust, which also con-assumes a role which self-respect canspired against reciprocity. The best not approve and which will rise up Mr. Dole's envoys could do at Wash- against him in future should be ask ington was to keep things in statu quo. preferment at the hands of the party.

Then came the Wilcox revolt of 1895, here or of a Republican national ad-

> The Dominican rebels seem eager for a quarrel with the United States. First merchant steamer and thus make

Two departments or states of Colomhad demanded heads as the prizes of bla wish to join the republic of Panative for hostilities. While Marroquin might conclude to let the little isthmus The years that followed were hardly go without a fight he could hardly be less strenuous than those which had complaisant over the loss of Cauca and gone before. If the era of revolution Antiogula. Again, if annexation is in the air, as seems probable, the United scientific frontier which the isthmus alone affords.

> The Independent announces, whether officially or not it omits to say, that if the present grand jury does not indict some one for "election frauds," that body will be dismissed and a second jury chosen that can be counted on Does this portend another grand jury President swerve from the packed by the Home Rule sympathizer

THE KEPOIKAI CASE.

The legal claim of Judge Kepolkal upon the office he now holds is considered good. The Advertiser, for one, has not questioned it. If Judge Kepolkal chooses to remain as Treasurer he cannot be removed by the Governor and Senate unless they shall establish charges against his competency or probity or both, or unless, in the meantime, Congress shall empower the Territorial Executive to remove heads of departments at will.

custom and civility. In a way the great offices of the Territory resemble those held by the cabinet ministers of the President. They are not independent bureaus but are branches of the central administration. The work of the departmental chiefs, collectively, makes up the record and policy of the Governor. The latter's annual report to the Secretary of the Interior must describe and explain what the Treasurer, the Auditor, the Superintendent of Schools, the Superintendent of Public Works, etc., have been doing in their official capacities. He alone speaks for them. If things have gone wrong with these officials the Governor is held to technical account as the appointing power. Being so responsible it is but fair that his right to appoint should not be limited by anything save the co-ordinate rights of the Senate. Nor is it, except when Governors change and some official who had re ceived his commission from one Executive insists upon staying in office under another. A case like that so rarely happens-heads of departments usually being gentlemen, accustomed to American official etiquette—that the law does not make provision for policy removals. President Roosevelt, for example, could not have removed a single member of President McKinley's hold-over cabinet. dealing with American statesmen and gentlemen-not with feed-trough politicians-and the absence of a law did not worry him. The resignation of each member of the Cabinet was pre-sented to him at once. So it has not worry him. always been at Washington save in the one case of Secretary of War Stanton, who, urged by the Senate and by the Republican party, held out against the notorious President Johnson, who had threatened a despotic use of the army against the legislative power. Secretary Stanton's act was patriotic in a broad sense and cannot be used as a precedent for the porcine greed of Kepolkai in trying to force himself into an administration where he is not needed or wanted and where his utter ignorance of all things financial, save the drawing of his pay, is likely to bring derision upon the new Governor's fiscal policy and public disgrace upon himself. When that disgrace comes he will not find a single sympathizer In the hul of disbarred attorneys, discredited ex-candidates, graduated embezzlers and the like who are urging him to disturb and embarrass the administration of which he insists upon

CARTER AND BONDS.

Mr. Damon was none too generous in his praise of Acting Governor Carter's work in placing the Hawaiian bonds. For the first time in the local history of such transactions, the result has been wholly satisfactory and the delays slight, Mr. Carter under-took a delicate task and made no mis-takes from the beginning. The bonds were not only placed speedily but a saving of \$75,000 was made by the reduction of interest and of \$20,000 by improving upon the original plan of sale. The result and the methods of attaining it mark Mr. Carter as a masin the processes of governmental ad-

The late Mrs. Hiram Bingham was be more sincere than her religious faith, It took her far from home and kindred into the haunts of savage tribes where her life was always in peril and where her only reward was in the consciousness of duty done. Such missionaries are among the noblest and bravest of all the pioneers of civilization,

The Bulletin's desire for an investigation of "election frauds" which did not occur has been gratified. The grand jury finds that nothing occurred at the polls to warrant the indictment of anybody. This pours a bucket of case, the evidence of ballots not only having been passed upon by a competent tribunal but the ballots themselves having been unsealed and examined by fourteen men, an act which relieved the accused election officers of sole sponsibility for the condition of the voting paper.

Nothing is seen of the Colombian army that was supposed to be marching on Panama. It may have heard the American salutes to the new flag and turned back. If so the Colombian army should be complimented on its discreet

behavior.

Now that part of the County Act has been decreed invalid perhaps good government would be served-especially in the other counties of the group-by an attack upon the legality of the whole thing.

The Independent should not try to tell what it doesn't know about American political methods. It hasn't the

The Promotion Committee, in taking up the task ct getting American farmers into the country, is doing more to build Statehood than any other force. Hawaii can never be a State with its present electorate. It must have an American population to win the confidence of the American Congress. Nothing contains a stronger assurance of that than the history of the abortive half-century attempt of Latinized New Mexico to make its way into the sisterhood.

REFORMS OF COURT PROCEDURE.

Justice Brewer's indictment of the American jury system continues to attract the thoughtful interest of public That eminent member of the U S. Supreme Court declares that public opinion is rightly directed against the existing jury system on three points: First, the provision that a jury must be composed of twelve persons; second, the methods used for the purpose of securing a jury free from prejudice or pre-determined opinion; So the question is not of law but of and third, the requirement that the de cision be the unanimous opinion of the

twelve jurors. He declares that there is no magic in the number twelve for jurors, no mysterious reason why there should be that number instead of eight or six-The idea of a jury trial is "to ascertain the average judgment of the community on the merits of the controversy." It is not necessary, declares the justice, to have a fixed number of jurors in getting at this average judg-ment. "It may well be," he says, "that where a man's life is at stake, or where the amount in controversy is large, twelve would not be regarded as excessive, but where lighter offenses are charged or the amount in controversy is small, it would seem that the ends of justice would be subserved were there but six or eight jurors, and certainly time and money would be saved thereby." But this objection is trivial when

compared to the objection contained in the second point with respect to the manner in which jurors are selected. Under the practice in most courts the best material from which juries might be secured is barred from the selection, Bright men who read and keep themselves informed are sure to have in-formation of every crime of consequence, and information without some sort of an opinion is an unnatural condition. The struggle of lawyers is to get on the juries such men as are easily moved by eloquence, or who may be confused by contradictory evidence into a condition of doubt. This struggle a condition of doubt. This struggle has resulted in carrying the doctrine of "no opinion" to an unreasonable extent. "No man should be held disqualified," declares Judge Brewer, "because he has read the newspaper re-port of a transaction or even heard some of the witnesses talk about it, and from reading or hearing has formed a passing opinion upon the case. No one for a moment supposes that the judge is disqualified or that he will incorrectly declare the law, although he may have heard the whole story of the transaction. No more should an intelligent, honest man be held disqualified from passing judgment upon the facts for the simple reason that he has read or heard the story." Judge Brewer would dignify the jury

system by freeing the jurors from the many annoyances to which they are subjected. He would increase the pay of the juror. "He should not," continues this eminent authority, "be compelled to work more hours than the judge. To shut him up and keep him confined day and night is a crime against society. He is treated too often as an object of suspicion-as though he were probably dishonest, and must be specially shielded from temptation. Why should he be shut up when the judge is not? A bad man on the bench or in the jury box will surely find ways to be tempted, and few things are more calculated to de-grade his office in the sight of the juror and to bring out all the evil that is in him, than the consciousness that he is an object of suspicion. I have thirty-seven years on the bench, and take pleasure in recalling that, so far ter of such financial problems as occur juror from confinement other than such tion: as I myself submitted to: that I en-deavored to make him in the discharge of his duty free from annoyance and suspicion. And I have not the slightest reason to doubt that the course

ter administration of justice." to the jury box through the methods ands, and here indicated, Justice Brewer would do away with the unanimity rule and have a verdict returned by two-thirds with the appointment of or three-fourths of the jurors. "Why." he demands, "should the unanimity rule be deemed essential? Neither in legislative halls, among judges, in arbitration proceedings, nor in scarcely any other body called to make a determination is it the rule. In my judgment: the great objection to the jury system as it is administered today, and the one which more than any other threatens its overthrow, is this rule cold water on the Home Rule contest of unanimity. Were it abolished less time would be wasted in impaneling a jury, and a better class of jurors would certainly be selected. More than that, the truth would be more certainly de termined. How often in criminal cases, do ten or eleven jurors yield to the obstinacy of the remaining, and agree on a verdict for a lower degree of crime than they really believe the defendant to be guilty of? And in actions for the recovery of money, how often is the amount of the verdict affected by the obstinacy of a single

juror?" Here in Hawaii the jury system is in worse case than on the mainland and Justice Brewer's opinion of it would be interesting. Originally we had color line juries; that is to say, white men tried white men while aborigines tried aborigines. The system was as good guarantee of justice as could be had under the fallible jury scheme as a But annexation brought mixed juries with the result that no white man seeking justice from a native can be sure of getting it from the native juryman; and any native trying to wreak injustice upon a white man will generally have the support of native jurymen in the attempt. Furthermore native grand jurymen may usually be depended on to clear an accused man of their own race, however strong the evidence may be against him. Such a state of things threatens the foundations of our common social order.

Carrie Nation has joined the army of cranks who are pressing on the President. At the rate the queer people are rallying about the White House the Government will soon need to put another wing on the building for a re-

LOCAL BREVITIES.

(From Wednesday's Daily.)

Miss Maria Brede has gone to take charge of the wireless telegraph station on Lanal.

Dr. Cofer has gone to Mahukons to appoint an assistant quarantine physician at that port.

Information is wanted regarding the whereabouts of William Webb, alias Karl Leo, age about 56 years. C. H. Kluegel, the well known en-

gineer, is a candidate for the office of Superintendent of Public Works. Dr. Cofer, chief quarantine officer, has been asked from Washington for data respecting Mauliola island, the site of Honolulu quarantine station.

Dr. Walter Hoffman was called suddenly yesterday to go to Kauai, and will not return until Friday or Sunday. During his absence Dr. Carl Hoffman, of Waipahu, will look after the former's office.

Dr. R. G. Curtis left with his bride in the Kinau for Hilo, where the doctor is a practitioner. Mrs. Curtis was a Miss Blair of New York, who arrive? in the Alameda. The place here on Monday. The marriage took

(From Thursday's daily.)

Acting Governor Carter for the preserft occupies the office quarters of the Secretary of the Territory.

Alexander Young received a cablegram yesterday before departing on the Alameda for the Coast stating that Mrs. Young was better. The S. C. Allen executors have brought

\$1200 with 7½ per cent interest against John C. Crowder. Roy H. Chamberlain, Collector of In-

a mortgage foreclosure suit on a note

ternal Revenue, cabled to Deputy Col-lector Harry Couzens that he would return in the steamer Korea.

Dr. H. C. Watt of Kauai was naturalized by Judge Dole yesterday. He was a former subject of Great Britain.

Judge Alexander Lindsay was ac mitted to practice in the United State court upon motion of J. J. Dunne ver Edward Kunst has brought suit :

gainst Otto Ludloff et al. to foreclos a mortgage on land in the Kapiolan tract. The amount claimed is \$1100. Judge Dole yesterday ordered the an rest of F. J. Turk for failure to be the fine imposed upon him for viola

tion of the shipping laws. Consul General Goodnow was charge of two American soldiers on the Hongkong Maru yesterday. They wer members of the legation guard at Pe king and are being taken to San Quen tin to serve a term for burglary.

Footings of tax collections for Oak this month, on the 16th of which taxe became delinquent, have not yet bee made, on account of the returns from Waialua, Koolauloa and Koolaupok not having been received. In roun numbers Honolulu has contribute \$490,000 and Ewa \$142,000.

MERCHANTS SUSTAIN FEDERALJUDGEDOL

The directors of the Merchants' As sociation, at a special meeting held yes as it was possible. I always relieved the terday, adopted the following resolu

Whereas, the business and othe property interests of the Hawallar Islands have for the past decade beer well and safely guarded and protected thus pursued resulted not merely to by the wise and conservative policy of the comfort of the juror, but in a betin his capacities as chief executive of Having brought a better class of men the various governments of these Isl

> Whereas, the President of the United with the appointment of Mr. Dole as Federal Judge to interpret the Federal laws as applicable to the Territory of

Hawaii, now therefore be it Resolved, that the Merchants' Association of Honolulu express its appreciation of the great and distinguished services rendered by the Honorable Sanford Ballard Dole in the past as well as its gratification in his appointment to the high judicial position of the United States Judge for the Territory of Hawaii, and be it further

Resolved that a copy of these reso lutions be presented to Judge Dole and also published in the public press.

KEPOIKAI DENIES THAT HE HAD PROMISED TO RESIGN

(Continued from page 1.) spect of Presidential Cabinet officers. It has not escaped my attention that almost before the ink was dry upon the cablegram announcing your prospective appointment as Governor, you were out in an interview wherein you in effect demanded the resignations of all heads of departments. The extreme impropriety of such a course of your part, at so very early a stage of your anticipated incumbency of the exvery early a stage of ecutive chair, must now be as apparent to you as it is to all the rest of the community. There are many who look upon your premature and frequent interviews in this respect as nothing less than insulting to the incumbents of the offices referred to, and an peachment of the judgment of the distinguished gentleman to whom they owe their appointment. And whatever may have been my views as to resigning my office upon the consummation of the change in question, your own most objectionable course in this regard would of itself have been sufficient to lead me to a change of mind. However much we may differ as to

what is my right and duty in the premises, you may safely rely on my hearty co-operation with you in all matters calculated to promote the best interests of the people of this Territory, wihout regard to race, creed, color, or political affiliation. Very respectfully yours,

A. N. REPOIKAL Treasurer of the Territory.

Pains in the Back

Are symptoms of a weak, torpid or stagnant condition of the kidneys or liver, and are a warning it is extremely hazardous to neglect, so important is a healthy action of these organs.

They are commonly attended by loss of energy, lack of courage, and sometimes by gloomy foreboding and despondency.

"I had pains in my back, could not sleep and when I got up in the morning felt worse than the night before. I began taking Hood's Sarsaparilla and now I can sleep and get up feeling rested and able to do my work. I attribute my cure enfirely to Hood's Sarsaparilla." Mrs. J. N. Perry. care H. S. Copeland, Pike Road, Ala.

Hood's Sarsaparilla and Pills

Cure kidney and liver troubles, relieve the back, and build up the whole system.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Hono-lulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolu-lu, Hawaiian Islands.

LEWERS & COOKE.—(Robert Lewers, F. J. Lowrey, C. M. Cooke.)—import-ers and dealers in lumber and build-ing materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.-Ms-

HONOLULU STOCK EXCHANGE

Honolulu, November 19, 1903.

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METEOROLOGICAL RECORD.

By the Government Survey, Published Every Monday.

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1-7-4. ** 1-9-2.

Barometer corrected to 32 F. and sea level, and for standard gravity of .at. 45 This correction to 44 for Henolulu.

TIDES, SUN AND MOON.

0.11	Nov.	High Tide	Bt. of Tide	High Tide	Low Tide	Email	gun Riser.	Sun Seta	and Sets.
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New moon Nov. 18th, at 6:39 p. m. Times of the tide are taken from the United States Coast and Geodetic Surey tables.

The tides at Kahului and Hilo occur about one hour earlier than at Hono-

Hawaiian standard time is 10 hours 30 ninutes slower than Greenwich time, seing that of the meridian of 157 acrees 30 minutes. The time whistle clows at 1:30 p. m., which is the same of Greenwich, a hours o minutes. Sun and moon are for local time for the

A SORE THROAT may be quickly cured by applying a flannel bandage with Chamberlain's Pain dampened Balm. A lame back, a pain in the side or chest, should be treated in a similar manner. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.